

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-070146

01/20/2009

HONORABLE JOSE S. PADILLA

CLERK OF THE COURT  
D. Berkland  
Deputy

IN RE THE MARRIAGE OF  
JOHN MICHAEL DEAKIN

JOHN MICHAEL DEAKIN  
20250 N 13TH DR  
PHOENIX AZ 85027

AND

LAURIE ANNE DEAKIN

LAURIE ANNE DEAKIN  
13568 W LA REATA AVE  
GOODYEAR AZ 85338

CONCILIATION SERVICES-NE  
CONCILIATION SERVICES-NW  
LAURIE DEAKIN  
PMB 332  
4093 DIAMOND RUBY STE 7  
CHRISTIANSTED VI 00820

MINUTE ENTRY

Courtroom 122

2:10 p.m. The above-captioned matter comes before the Court as an add-on to its regular calendar regarding Petitioner/Father's Emergency Petition to Modify Custody, Parenting Time and Child Support, filed on January 20, 2009. Petitioner is present appearing on his own behalf. Respondent is neither present nor represented by counsel.

A recording of this proceeding is being made by CD/video in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-070146

01/20/2009

John Deakin is sworn and answers questions presented by the Court with regard to the allegations contained in his emergency petition.

Based upon the testimony presented,

**THE COURT FINDS** that the minor child has resided with one or both parents in Arizona for more than six months prior to filing of the current custody proceeding such that Arizona is the home state of the child pursuant to A.R.S. §25-1031, et.seq.

**IT IS ORDERED** that the child shall not be removed from the greater Phoenix metropolitan area without the Court's consent.

**IT IS FURTHER ORDERED** denying Petitioner/Father's emergency petition to modify custody, parenting time and child support.

**REFERRAL TO CONCILIATION SERVICES RE: CHILD INTERVIEW**

On the Court's own motion,

**IT IS ORDERED** referring the above-captioned matter to Conciliation Services for a **Child Interview**. The parties shall comply with all instructions and directives issued by Conciliation Services.

**IT IS FURTHER ORDERED** setting the **Child Interview** for **February 20, 2009** at **10:00 a.m.** in Conciliation Services with conciliator, Matt Mahaffy, at:

**Maricopa County Superior Court**  
**Northeast Regional Center**  
**18380 North 40<sup>th</sup> Street**  
**Phoenix, AZ 85032**

**IT IS FURTHER ORDERED** that Petitioner/Father shall ensure the child arrives on time for the interview with Conciliation Services.

**LET THE RECORD REFLECT** Petitioner/Father is advised that, prior to the next court date, he must have Respondent/Mother personally served with notice of the Hearing re: Temporary Orders and his Petition to Modify.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-070146

01/20/2009

**EVIDENTIARY HEARING SET**

**IT IS FURTHER ORDERED** setting the above-captioned matter for **Evidentiary Hearing re: Petitioner's Motion to Modify Custody, Parenting Time and Child Support on March 4, 2009 at 1:30 p.m.** (1 hour allotted) before the Honorable Jose S. Padilla, located at 14264 West Tierra Buena Lane, Courtroom 122, Surprise, Arizona 85374.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**MANDATORY RESOLUTION STATEMENT**

**IT IS FURTHER ORDERED** that each party shall fully complete and file a Resolution Statement as required by Rule 76(A), *Arizona Rules of Family Law Procedure*, in proper form without argument, narrative statements or other documents, and provide a copy to the adverse party and to this division at least 5 judicial days before the Conference. The Court is required to consider the reasonableness of each party's positions, including the failure to take a position, in any subsequent requests for attorney's fees made pursuant to A.R.S. §§ 25-324 and 12-349. The Resolution Statement may be obtained through the Self Service Center. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/familyCourt/pdf/resolutionStmt.pdf>.

**IT IS FURTHER ORDERED** that the Mandatory Resolution Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-070146

01/20/2009

5. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), *Arizona Rules of Family Law Procedure*.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of trial, or to timely present the Mandatory Resolution Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), *Arizona Rules of Family Law Procedure* and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**EXHIBITS**

**IT IS FURTHER ORDERED** that, if either party has more than 5 exhibits to be marked, counsel or the parties shall deliver said exhibits to the Clerk **at least five (5) days** prior to trial. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Mandatory Resolution Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Mandatory Resolution Statement shall be summarily admitted.

**FINDINGS OF FACT**

**IT IS FURTHER ORDERED** that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, *Arizona Rules of Family Law Procedure*, **shall submit proposed findings of fact and conclusions of law to this Division no later than 30 days prior to trial.** Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

**SETTLEMENT**

**IT IS FURTHER ORDERED** in the event a full settlement is reached prior to the time of trial, the parties or counsel, if represented, **shall** present the formal written Consent Decree of Dissolution, Judgment or the agreement signed and notarized by all parties, prior to 5:00 p.m. the **day prior to** the scheduled trial [if set on the Court's morning calendar the following day, e.g.,

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-070146

01/20/2009

9:00 to 11:55 a.m.] or not later than 9:00 a.m. on the day of trial [if the trial is set on the Court's afternoon calendar, e.g., 1:30 to 4:55 p.m.].

In the event the agreement has not been reduced to writing, then in that event, all parties and their counsels, if represented, shall appear at the time designated for trial to recite the agreement on the record and have it entered as the order of the court pursuant to *Rule 69, (Arizona Rules of Family Law Procedure hereinafter AzRFLP)*.

If the signed Consent Decree, Judgment or agreement is not received by the Court pursuant to these guidelines, and the parties and/or their respective counsels, if any, fail to appear as ordered, the Court shall dismiss the case in its entirety, without prejudice and the matter **will not** be reinstated but for the most compelling of reasons. See *Rule 70(B)*.

**POSTPONEMENTS AND SCHEDULE CHANGES**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

**DISCLOSURE/DISCOVERY**

**IT IS ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits on or before **February 20, 2009**.

2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed no later than **February 15, 2009**.

3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Mandatory Resolution Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-070146

01/20/2009

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

**IF ONLY ONE PARTY APPEARS, THE COURT MAY ENTER A DEFAULT AGAINST THE ABSENT PARTY, AND ALLOW THE PARTY THAT APPEARS TO PROCEED BY DEFAULT AND/OR ISSUE A CIVIL ARREST FOR THE PARTY WHO FAILS TO APPEAR. IF BOTH PARTIES FAIL TO APPEAR, THE ENTIRE CASE MAY BE DISMISSED, WITHOUT FURTHER NOTICE TO EITHER PARTY.**

2:27 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.